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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,993	01/23/2002	Steven A. Velinsky	UC01-312-2	3536
7590 01/14/2004			EXAMINER	
John P. O'Banion			TILL, TERRENCE R	
O'BANION & RITCHEY LLP			ART UNIT	
Suite 1550			PAPER NUMBER	
400 Capitol Mall			1744	
Sacramento, CA 95814			DATE MAILED: 01/14/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,993

Applicant(s)

VELINSKY ET AL.

Examiner

Terrence R. Till

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 56-68 is/are allowed.
- 6) ☒ Claim(s) 1,2,16,30,41 and 42 is/are rejected.
- 7) ☒ Claim(s) 3-15,17-29,31-40 and 43-55 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1/02,10/02.
- ☐ Interview Summary (PTO-413) Paper No(s) ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Precetti.
3. Precetti discloses a nozzle apparatus for vacuum removal of debris, comprising: a tubular base member 18 capable of being attached to a conduit 15, an extensible member 23 slidably coupled to said base member; said extensible member configured for longitudinal extension and retraction; said extensible member having a nozzle tip (the free end of the extensible member); and means for extending or retracting said extensible member 24,25. Precetti further discloses said means for extending or retracting said extensible member comprises a controllable actuator (cylinders 24,25).
4. Claims 30, 41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Pullen.
5. The patent to Pullen discloses a particulate matter moving apparatus, comprising: a dexterous extensible nozzle assembly 21 configured to be pivotally coupled to a conduit; and means for manipulating the position of the nozzle assembly 4, 15, 29, 33; wherein the elevation and location of said nozzle assembly can be precisely adjusted. Pullen further discloses said

means for manipulating the position of the nozzle assembly comprises a controllable actuator (the pistons).

Allowable Subject Matter

6. Claims 3-15, 17-29, 31-40 and 43-55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 56-68 are allowed.

8. The following is an examiner's statement of reasons for allowance: With respect to claims 56, 61 and 68, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly said outer cylinder having a universal joint capable of coupling said outer cylinder with a conduit, an inner cylinder disposed within the outer cylinder on a plurality of support rails; means for extending and retracting said inner cylinder with respect to said outer cylinder; and a dexterous nozzle tip coupled to said inner cylinder.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Daneman '258, Stout et al. and Masters show the current state of the art in mobile cleaning systems with manipulable nozzles.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (571) 272-1280. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Terrence R. Till
Primary Examiner
Art Unit 1744

trt